

EXHIBIT 6

Ninth Declaration of Paul Enriquez, U.S.
Customs & Border Protection

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

THE GENERAL LAND OFFICE OF THE
STATE OF TEXAS, *et al.*,

Plaintiffs,
v.

JOSEPH R. BIDEN JR., in his official
capacity as President of the United States,
et al.,

Defendants

No. 7:21-cv-00272

THE STATE OF MISSOURI; THE STATE
OF TEXAS,

Plaintiffs,
v.

JOSEPH R. BIDEN JR., in his official
capacity as President of the United States,
et al.,

Defendants.

No. 7:21-cv-00420
(formerly No. 6:21-cv-00052)
Hon. Drew B. Tipton

NINTH DECLARATION OF PAUL ENRIQUEZ

I, Paul Enriquez, declare as follows:

1. I am the Director, Infrastructure Portfolio, U.S. Border Patrol Program Management Office Directorate (“PMOD”), U.S. Customs and Border Protection (“CBP”), an agency of the Department of Homeland Security (“DHS”). I have held this position since January 2023 and support the planning and execution of border infrastructure projects from

construction to maintenance. From May 2021 to December 2022, I served as the Deputy Director for the Infrastructure Portfolio and from August 2018 to May 2021, I served as the Real Estate and Environmental Director for the Infrastructure Portfolio. From 2013 to August 2018, I was the Real Estate and Environmental Branch Chief for the Border Patrol and Air and Marine Program Management Office (“BPAM”), Facilities Management and Engineering, Office of Facilities and Asset Management. From 2011 to 2013, I was employed as an Environmental Protection Specialist in the BPAM office. In that role, I performed environmental analyses for various border infrastructure projects. From 2008 to 2011, I was a contractor assigned to the BPAM office and provided environmental support on various border infrastructure projects.

2. CBP is the DHS component with primary responsibility for border security. CBP constructs, operates, and maintains border infrastructure necessary to deter and prevent illegal entry on the U.S. border.
3. Within CBP, PMOD has expertise in managing and executing border infrastructure projects. PMOD is tasked with managing the schedule, finances, real estate acquisition, environmental planning, and construction of the border infrastructure system along the U.S. border.
4. Based upon my current and past job duties, I am familiar with the funding appropriated to CBP for barrier construction, the obligations and projects associated with such funding, and the process by which new barrier infrastructure is constructed.
5. On March 8, 2024, the Court issued an order stating that CBP’s fiscal year (“FY”) 2020 and FY2021 barrier system appropriations may only be used for the “construction of physical barriers, such as walls, fencing, buoys, etc.” The Court’s order prohibits “the

Government and all its respective officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them” from obligating FY2020 or FY2021 barrier system funds “toward mitigation and remediation efforts, repair of existing barrier, so-called system attribute installation at existing sites, or other similar purposes.” The order was converted to a final judgment and permanent injunction on May 29, 2024.

6. I previously submitted declarations on December 8, 2021, July 12, 2022, August 18, 2023, September 27, 2023, October 17, 2023, March 14, 2024, March 21, 2024, and November 21, 2024, that outlined, among other things, how CBP was using the appropriated funds it received in FY2020 and FY2021 for barrier system and the steps CBP has taken to comply with the Court’s Order.
7. This declaration is based on my personal knowledge and information made available to me in the course of my official duties.
8. On December 17, 2024, plaintiffs filed an emergency motion to enforce the permanent injunction and request for a status conference. In their motion, plaintiffs suggest that CBP and/or the Department of Defense (“DoD”) may be disposing of steel bollards purchased with DHS/CBP’s FY2020 and FY2021 barrier system appropriations. That is not correct.
9. Since the Court’s preliminary injunction order, CBP has not disposed of any steel bollards purchased with the FY2020 or FY2021 barrier system appropriations.
10. CBP has not provided any funding, including funding from the FY2020 or FY2021 barrier system appropriations, to DoD to pay for the disposition of steel bollards purchased with the FY2020 or FY2021 barrier system appropriations.
11. CBP has not authorized or instructed DoD to dispose of any steel bollards purchased with

the FY2020 or FY2021 barrier system appropriations on CBP's behalf.

12. CBP has not provided any funding, including funding from the FY2020 or FY2021 barrier system appropriations, to DoD to assist with DoD's disposal of border wall construction material purchased by DoD under section 2808 and 284 of Title 10 of the United States Code. None of the construction material DoD purchased under section 2808 and 284 was funded by CBP's FY2020 or FY2021 barrier system appropriations.
13. Since the termination of the border wall projects to be executed by DoD under sections 284 and 2808, CBP has taken possession of approximately 12,500 steel bollard panels purchased by DoD under sections 2808 and 284. The approximately 12,500 steel bollard panels that CBP has accepted from DoD will be used for the construction of new physical barriers.
14. CBP has no current plans to dispose of any of the steel bollards that are within its inventory.
15. CBP has disposed or is in the process of disposing certain non-bollard material, which consists of items such as conduit, fiber optic cable, rebar, light poles, and PVC components (the "Non-Bollard Material").
16. None of the Non-Bollard Material was purchased with the FY2020 or FY2021 barrier system appropriations. All of the Non-Bollard Material was purchased as part of contracts for the construction of border wall within the United States Border Patrol Rio Grande Valley Sector that were funded by FY2018 and FY2019 barrier system appropriations (the "RGV Sector Contracts"). The RGV Sector Contracts were awarded and administered by the United States Army Corps of Engineers ("USACE") pursuant to an interagency agreement between CBP and USACE. The RGV Sector Contracts were awarded between 2018 and 2020, but were ultimately canceled in 2021 and 2022, after the issuance of

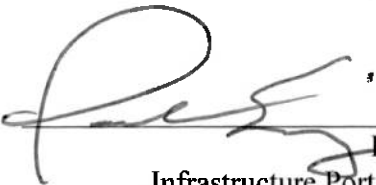
Proclamation 10142, Termination of Emergency With Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction, dated January 20, 2021, and the release of the DHS Border Wall Plan.

17. CBP has or is disposing of the Non-Bollard Material because it has either deteriorated to the point that it is no longer usable or disposition is required to complete the close out and termination of the RGV Sector Contracts.
18. Consistent with the federal disposal process, CBP effectuates disposals through the General Services Administration. Disposition starts with a screening process, where the excess material is offered to other federal agencies as well as State and local governments. After the screening process is complete, any material that is not claimed as part of the screening process is offered for sale at public auction. Any remaining material that is not purchased at public option is then disposed of as scrap.
19. The Non-Bollard Material was divided into three batches. The first two batches have already completed the screening and public auction processes. The third batch of Non-Bollard Material is currently in the screening process. That screening process is scheduled for completion on January 10, 2024. After the screening process is complete, any material that is not claimed as part of the screening process will be offered for sale at public auction. After the public auction, any Non-Bollard Material that was not disposed of through screenings or public sales, will be disposed of as scrap
20. Because the Non-Bollard Material was purchased under the RGV Sector Contracts, which were awarded and administered by USACE, USACE is assisting CBP with its disposal of the non-bollard material. None of USACE's labor or administrative costs associated with the Non-Bollard Material disposition have been or will be funded by the FY2020 or

FY2021 barrier system appropriations. CBP also has not funded any of its labor or administrative costs associated with disposition of the Non-Bollard Material with the FY2020 or FY2021 barrier system appropriations.

This declaration is made pursuant to 28 U.S.C. 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of December, 2024


Paul Enriquez
Infrastructure Portfolio Director
Program Management Office Directorate
U.S. Border Patrol